

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

CRIL. PETN. NO. 39 OF 2024

1. Shri Thongam Biswajit Singh, aged about 48 years, S/o Shri Thongam Kumar Singh, a resident of Thongju Ningomthong, P.O. Singjamei, P.S. Irilbung, District Imphal East, Manipur- 795003.
2. Mrs. Thongam (O) Junreiwon, aged about 31 years, W/o Thongam (O) Junreiwon Singh, a resident of Thongju Ningomthong, P.O. Singjamei, P.S. Irilbung, District Imphal East, Manipur- 795003.
3. Mrs. Rebeeca Sorokhaibam, aged about 33 years, D/o Mrs. Adiki, a resident of Nagamapal Singjubung Leirak, P.O. & P.S. Imphal, District Imphal, District Imphal West, Manipur, Pin No. 795001.

.... Petitioners

- Versus -

State of Manipur, represented by the Commissioner/Secretary (Home), Government of Manipur, Secretariat Block, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

.... Respondent

B E F O R E
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU

For the Petitioners : Mr. HS Paonam, Senior Advocate
assisted by Mr. S. Gunabanta,
Advocate

For the Respondent : Mr. SamarjitHawaibam, PP

Date of Hearing : 27.06.2024

Date of Judgment &Order : **23.07.2024**

JUDGMENT & ORDER
(CAV)

[1] Heard Mr. HS. Paonam, learned senior counsel assisted by Mr. S. Gunabanta, learned counsel appearing for the petitioners and Mr. Samarjit Hawaibam, learned PP appearing for the respondent.

[2] The present petition has been instituted under Section 482 of the Code of Criminal procedure, 1973 with the following prayers:

- (i) To admit this petition and call for records;
- (ii) To quash and set aside the impugned proceedings of the Special Trial No. 2 of 2022:
- (iii) To pass any appropriate orders/directions which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case as the ends of justice may call for.

[3] The brief facts of the case are that the petitioner No. 1 is the sitting Member of Manipur Legislative Assembly from 5-Thongju Assembly Constituency. At present, he is conferred as a cabinet Minister of the present Government and assigned the portfolios of Power Department, Forest, Environment & Climate Change Department, Agriculture Department and Science & Technology Department. In the previous Government, he was assigned the portfolios of Public Works Department, Power, RD&PR, Information & Public Relations, Administrative Reforms & State Academy of Training, Textiles, Commerce & Industries, Manipur and the Petitioner No. 2 is wife of the Petitioner No. 1. The Petitioner No. 3 is the complainant in Special Trial No. 2 of 2022 which is pending for disposal before the Ld. Special Court for MP/MLA No. 1, Manipur at Lamphel Court Complex.

[4] The petitioner No. 3, in the Special Trial No. 2 of 2022, contended that she married the petitioner no. 1 on 31-1-2018 in a ceremony (LOUKHATPA) and have been living together till 26-11-2019 as husband and wife.

She filed a complaint case before the Chief Judicial Magistrate, Imphal West, Manipur thereby alleging that the petitioners No. 1 & 2 have committed voluntarily causing grievous hurt, attempt to commit offences punishable with imprisonment for life or other punishments which are punishable under Section

307, 313, 325, 354, 378, 498(A), 511 and 34 IPC arising out of their domestic dispute.

[5] The petitioners crave the leave of this Hon'ble High Court to produce the complete documents enclosed in the said Special Trial No. 2 of 2020 at the time of hearing.

The stage of the case is for consideration of charge as well as consideration of application filed by the petitioner No. 1 for discharging him under Section 277 of CrPC, 1973 from the Special Trial No. 2 of 2020 which is pending for disposal before the Special Judge No. 1 (MPs / MLAs), Manipur. It has also been mentioned that neither the petitioner No. 3 in her pleadings nor none of her witnesses made any specific allegations against the petitioner No. 1 to substantiate the charges levelled against him.

In the meanwhile, vide agreement dated 31.05.2024, the petitioners have come to a settlement in presence of their family members/well wishers (***Annexure – A/2***) and the same is extracted herein below:

"DEED OF AGREEMENT"

This Deed is Agreement is made on this 31st day of May, 2024, BETWEEN REBECCA SOROKHAIBAM, wife of Thongam Biswajit Singh, resident Nagamapal Singjubung Leirak, P.O. Imphal & P.S. Lamphel, Imphal West District, Manipur (here-in-after called the FIRST PARTY which expression shall include her heirs, successors-in-interest, executors, administrators and assigns) of the ONE PART and THONGAM BISWAJIT SINGH, son of Thongam Kumar Singh, resident of Thongju Ningomthong, P.O. Singjamei & P.S. Irilbung,

Imphal East District, Manipur (here-in-after called the SECOND PARTY which expression shall include the his heirs, successors-in-interest, executors, administrators and assigns) of the OTHER PART.

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IN WITNESS WHEREOF, the parties hereto after knowing the contents of this deed as read over and explained to them in their sound state of mind put their signatures hereunto by way of execution of this deed in presence of witness on the day, month and year appearing at the outset of this deed and this Deed is made in duplicate and both the parties shall keep the originals with each other.

Witnesses

Signature of FIRST PARTY

*Sd/-
(Th. Manihar Meitei)*

*Sd/-
(Rebecca Sorokhaibam)*

*Sd-
(Sorokhaibam Margaret)*

*Sd/-
(Th. Biswajit)"*

[6] The petitioners, out of affection, have voluntarily/mutually agreed that they shall co-operate with each other in withdrawing all the cases by filing necessary application before the appropriate Court and they, further, agreed that in case of necessity, they would move the higher Courts for quashing of all other non-compoundable cases pending against each other.

On or after signing the said agreement, they do not have any grievance left against each other and they shall not level any allegations against each other or each other's parents/relatives or act in any manner so as to harm and tarnish the reputation and image of the parties, in the family or the

society at large. They have duly and peacefully settled their disputes to the best of their satisfaction.

[7] The learned senior counsel appearing for the petitioners submitted that the criminal proceedings initiated in the form of Special Trial No. 2 of 2022 and the orders passed in the aforesaid trial would amount to abuse of the process of law and quashing of the proceedings would serve the ends of justice, as all the parties in the present trial comes to a settlement outside the Court. Accordingly, the proceedings of the said Special Trial No. 2 of 2022 may be quashed and set aside.

[8] In this regard, the learned senior counsel referred to Section 482 of the Criminal Procedure Code (CrPC) and the same is extracted herein below:

"482. Saving of inherent powers of High Court.

- *Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."*

Further, the learned senior counsel submitted that Section 482 of the CrPC empowers the High Court to quash criminal proceedings in certain circumstances. The Hon'ble Supreme Court, in catena of judgments, has concretized the grounds and circumstances in which a complaint can be quashed under the said Section of CrPC.

A. Lack of prima facie case : If the allegations made in the complaint, even if taken at face value, do not disclose the commission of an offence.

B. Settlement between the parties: If the parties involved in the dispute have amicably settled their differences and continuing with the criminal proceedings would serve no purpose.

C. Abuse of process of law: If the continuation of the criminal proceedings would result in an abuse of the process of Court, such as when the complaint is frivolous, vexatious, or filed with malafide intentions.

D. No possibility of conviction: If it is manifestly clear that there is no prospect of securing a conviction based on the material available on record.

E. Interference with matrimonial harmony:

In cases involving matrimonial disputes, where the continuation of the criminal proceedings would perpetuate discord and disharmony between the parties.

F. In the interest of justice: If quashing the complaint is necessary to prevent injustice or to secure the legitimate rights of the parties involved.

The instant case comes under the provision of Section 482 (B) and (F).

[9] In the circumstances, the learned senior counsel appearing for the petitioners submitted that since a settlement has been reached between the parties and continuing with the criminal proceedings would serve no purpose, as there exists no possibility of conviction based on the material available on record, the present petition may be allowed. In case the Special Trial No. 2 of 2020 is allowed to proceed inspite of settlement between the parties, the same would perpetuate discord and disharmony between the parties.

[10] Furthermore, the learned senior counsel appearing for the petitioners preferred the Hon'ble Supreme Court's judgment passed in ***Jitendra Raghuvanshi & Ors. v. Babita Raghuvanshi & Anr. [(2013) 4 SCC 58]***. The relevant portions of the judgment are extracted herein below:

"14. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In B.S. Joshi, this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is

entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.

15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate f their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders.

17. In the light of the above discussion, we hold that the High Court in exercise of its inherent powers can quash the criminal proceedings or FIR or complaint in appropriate cases in order to meet the ends of justice and Section 320 of the Code does not limit or affect the powers of the High Court under Section 482 of the Code. Under these circumstances, we set aside the impugned judgment of the High Court dated 4-7-2012 passed in

Rajendra Singh Raghuvanshi v. Aarkshi Kendra Police Mahila Thana and quash the proceedings in Criminal Case No. 4166 of 2011 pending on the file of the Judicial Magistrate Class I, Indore."

[11] Heard both the learned counsel for the parties and perused the deed of agreement of the petitioners filed herein and its contents and perused the cited Hon'ble Supreme Court's order extracted above. It is evident that the case pending before the Ld. Special Judge No. 1 (MPs/MLAs) being Special Trial No. 2 of 2020 is of non-compoundable offence but, the issue involved in the case pertains to matrimonial/family dispute between the parties and it is an admitted position of the fact that this case was filed by the petitioner No. 3 against the petitioner No. 1 and 2. This fact is not disputed/contested by the learned counsel for the State respondent.

[12] On perusal of the deed of agreement executed between the parties, I am satisfied that the parties have settled the disputes amicably and without any pressure. On top of that, the present petition is filed jointly by the disputing parties in the said case before the Ld. Special Court No. 1 (MPs & MLAs) and also satisfied that the said deed of agreement was made/executed in presence of their family members/well wishers.

[13] In the facts and circumstances of the present case, the Hon'ble Supreme Court's order relied upon by the petitioners

and the same reproduced earlier the present case is squarely covered.

[14] In the light of the discussion made above, I am satisfied that this Court, in exercise of its inherent powers, can quash criminal proceedings or FIR in the present case, in order to meet the ends of justice.

Under these circumstances, this Court quashes the proceedings in Special Trial No. 2 of 2020 which is pending on the file of the Ld. Special Court No. 1 (MPs & MLAs).

[15] The petition is allowed and disposed of.

[16] Send an extract copy of this order to the Ld. Special Court No. 1 (MPs & MLAs).

JUDGE

FR/NFR

Thoiba/Bipin